

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated December 13, 2004 has been received and its contents carefully reviewed.

Applicants believe the foregoing amendments and remarks place the application in condition for allowance and early, favorable action is respectfully solicited.

Currently, claims 1-26 are pending. Claims 17-26 have been withdrawn. Claims 1, 12 and 14 have been amended. Applicants wish to thank the Examiner for indicating that claims 7, 13 and 15 include allowable subject matter.

The Office Action indicates that the abstract is objected to because it does not meet the format requirements. A new abstract has been provided. Applicants respectfully request withdrawal of this objection.

The Office Action also rejected claims 1, 12 and 14 under 35 U.S.C. §112 as being indefinite. The Applicants have amended claims 1, 12 and 14 to clarify the language therein. Accordingly, Applicants ask the Examiner to withdraw this rejection.

In addition, the Office Action rejected claims 1-3, 5-6 and 16 under 35 U.S.C. §102(a) as being anticipated by Chinese Patent No. 1338499. Applicants respectfully disagree. However, the Examiner has indicated that providing a certified translation of the priority documents would overcome this rejection, thus, for the sole purpose of expediting the prosecution of this application, a true and correct English translation of the Priority Documents is attached. The Applicants have therefore perfected the foreign priority, and respectfully request the Examiner to withdraw this rejection.

The Office Action also rejected claims 1, 12 and 14 under 35 U.S.C. §103(a) as being unpatentable over Chinese Patent 1338499 in view of U.S. Patent No. 6,211,369 to Salbeck et al. (hereinafter "Salbeck"). Applicants respectfully disagree and traverse this rejection. However, to expedite prosecution Applicants have provided the attached certified English translation of the priority documents for the present application which exclude the cited Chinese Patent as prior art. As recognized by the Examiner, Salbeck alone does not provide all the teachings necessary to render the presently claimed invention obvious. Accordingly, Applicants respectfully request that this rejection be also withdrawn.

Moreover, the Office Action provisionally rejected claims 1-6, 8-12, 14 and 16 under the judicially created doctrine of obvious double patenting over claims 30, 36-37, 59, 62-64, 66-67, 74 and 79-84 of copending Application Serial No. 10/431,349. Because the provisional double patenting rejection is the only rejection remaining in this application, Applicants respectfully ask that the Examiner withdraw this rejection and allow the application to issue as directed under M.P.E.P. §804(I)(B).

Furthermore, Applicants present that claim 1 is generic to the restricted species. Because the rejections of claim 1 have been overcome, Applicants respectfully request that the species be rejoined and allowed as per M.P.E.P. §809.02(c). Accordingly, Applicants submit that claims 1-16 are in condition for immediate allowance.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

Application No.: 10/718,083

Docket No.: 29137.029.10

Amdt. dated March 8, 2005

Reply to Office Action dated December 13, 2004

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: March 8, 2005

Respectfully submitted,

By 

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